

PATENT

REMARKS:

At the time of the Final Office Action claims 1-21 were pending and considered by the Examiner. Claims 1-21 stand rejected. Claims 1-21 remain pending in the subject application.

The Examiner has repeated the rejections set forth in the non-final rejection of May 10, 2005. The Examiner did not give the amendments made in the response of July 20, 2005 any patentable weight. The Examiner's position is respectfully traversed.

MPEP 2173.05(g) states that a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. As previously explained, claims 1 and 12 were amended to more clearly define the injection site and, therefore, the relative relationship of the stress relieving formation(s). Stiehl et al. fail to define an injection site and, therefore, also fail to define the location of stress relieving formations in relation to the injection site. The art of record fails to solve the deficiencies of Stiehl et al. It is respectfully argued that the Examiner has not fully appreciated the claimed injection site and the location of the stress relieving formations in relation to the injection site taken together with the functional limitations set forth in the claims. For at least these reasons, claims 1 and 12 are allowable over Stiehl et al., either taken alone or in combination with the other art of record.

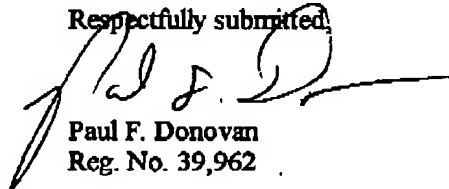
In regards to claim 20, additional steps were added to further set forth that the rod is made and used specifically for a storage battery hydrometer. Stiehl et al. certainly does not teach or suggest, nor can it be modified to include, all of the limitations recited in claim 20. It is respectfully argued that the Examiner has not fully considered all of the limitations set forth in claim 20. The Examiner has not shown that Stiehl et al. can be properly modified to include all of the limitations recited in claim 20. Thus, claim 20 is patentable over Stiehl et al., taken alone or in combination with the other art of record.

Claims 2-11, 13-19 and 21 depend from one of claims 1, 12 and 20, and, therefore, are allowable for the same reasons applied thereto, as well as for the additional subject matter recited in each.

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No new matter has been added by way of the amendments and remarks made herein. Reconsideration and allowance of all the remaining pending claims are respectfully requested. In the event that there are any issues that can be addressed and expedited by telephone conference, the Examiner is invited to telephone the undersigned at the number indicated below.

Respectfully submitted,



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